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The National Congress of American Indians Resolution #SEA-25-102

Title: Opposing The Rescission of The 2001 Roadless Rule and Demanding Meaningful Government-to-Government Consultation

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States and the United Nations Declaration on the Rights of Indigenous Peoples, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, the 2001 Roadless Area Conservation Rule protects approximately 44.7 million acres of National Forest System lands that encompass ancestral territories, treaty-protected resources, and sacred sites of NCAI member tribes; and

WHEREAS, on June 23, 2025, the Secretary of Agriculture announced the intent to rescind the Roadless Rule without prior, formal consultation with affected Tribal governments, in direct violation of USDA Departmental Regulation 1350-002, Executive Order 13175, and the federal trust responsibility; and

WHEREAS, the Notice of Intent (NOI) published in the Federal Register on August 29, 2025, provides only a 21-day public comment period ending September 19, 2025, which is wholly inadequate for meaningful Tribal engagement on a decision affecting millions of acres of ancestral territories; and

WHEREAS, USDA Departmental Regulation 1350-002 (April 30, 2024) specifically prohibits promulgating any regulation with Tribal implications without first consulting "with Tribal officials early in the process of developing the proposed regulation"; and



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WHEREAS, inventoried roadless areas protect treaty-reserved rights to hunt, fish, gather, and conduct traditional and ceremonial practices that are inherent sovereign rights predating the United States; and

WHEREAS, these roadless areas encompass Traditional Cultural Properties, Traditional Cultural Districts, sacred sites, and cultural landscapes integral to Tribal identity, including ceremonial sites, traditional gathering areas, burial grounds, and ancestral villages; and

WHEREAS, roadless areas protect critical headwaters and riparian systems sustaining treaty-reserved fisheries, with scientific evidence demonstrating that roads contribute up to 90% of sediment pollution that destroys spawning habitat and degrades water quality essential for salmon and other culturally significant species; and

WHEREAS, for Alaska Native Tribes, the proposed rescission threatens federally protected subsistence rights under Title VIII of ANILCA without the required Section 810 analysis; and

WHEREAS, inventoried roadless areas serve as critical climate refugia storing approximately 445 million tons of sequestered carbon, with their protection essential for Tribal climate adaptation strategies and cultural survival; and

WHEREAS, road construction in inventoried roadless areas dramatically increases human-caused wildfire risk, as humans cause nearly 90% of wildfire ignitions and fire likelihood diminishes with distance from roads, while road corridors facilitate invasive species that intensify fire frequency and severity; and such increased wildfires pose devastating and irreversible threats to Tribal communities by destroying irreplaceable sacred sites and ancient forests, degrading treaty-reserved fisheries and wildlife habitat, eliminating traditional gathering areas and medicinal plants requiring centuries to regenerate, creating hazardous air quality that prevents ceremonies and subsistence activities; and

WHEREAS, the proposed rescission raises serious environmental justice concerns as Tribal communities would bear disproportionate impacts while receiving none of the economic benefits, compounding existing disparities in health, economic opportunity, and environmental quality; and

WHEREAS, the rescission creates unresolved conflicts with the Tribal Forest Protection Act, National Historic Preservation Act Section 106 requirements, Cultural Heritage Cooperation Authority provisions, and existing forest plan components developed through years of collaboration; and

WHEREAS, the Forest Service's own "Strengthening Tribal Consultations and Nation-to-Nation Relationships Action Plan" commits to a minimum 120-day Tribal consultation period for national-level actions; and



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WHEREAS, meaningful consultation requires leadership-level engagement, adequate time for Tribal review, regional sessions, written documentation of outcomes, and demonstration of how Tribal input influenced decision-making.

NOW THEREFORE, BE IT RESOLVED, that NCAI unequivocally opposes the proposed rescission of the 2001 Roadless Area Conservation Rule as a violation of treaty rights, trust responsibilities, and federal law; and

BE IT FURTHER RESOLVED, that NCAI demands immediate initiation of government-to-government consultation, including:

- Direct consultation between Tribal leadership and the Secretary of Agriculture;
- Minimum 120-day consultation period beginning immediately;
- Regional consultation sessions accessible to all affected Tribes;
- Funding for Tribal participation, including travel and technical assistance;
- Written documentation of all consultation outcomes;
- Designation of requesting Tribes as cooperating agencies under the National Environmental Policy Act (NEPA); and

BE IT RESOLVED, meaningful consultation requires that agencies engage in actions that are in-Person, interactive, pre-decisional, informational and transparent consultation when planning actions with tribal implications and in line with Free, Prior and Informed Consent principles; and

BE IT FURTHER RESOLVED, that NCAI calls upon the U.S. Forest Service to establish a formal Tribal opt-in mechanism that enables federally recognized Tribes to request specific management or co-management approaches for individual Inventoried Roadless Areas (IRAs) within their ancestral lands or that border on or are adjacent to Indian forest land or rangeland, ensuring Tribal Nations have equitable standing with states in determining management requirements for IRAs that directly affect Tribal resources, treaty rights, and cultural landscapes; and

BE IT FURTHER RESOLVED, that any such Tribal opt-in mechanism must authorize variance from existing forest plan guidance where necessary to enhance forest health, increase resilience to wildfire, support climate adaptation strategies, and protect Tribal resources, and must fully incorporate Tribal Forest Protection Act (TFPA) authority to facilitate agreements and contracts between Tribes and the Forest Service for collaborative management projects that address fire risk, disease, and other threats to forest ecosystems spanning jurisdictional boundaries, with the Forest Service required to maintain transparent reporting on the number of Tribal requests submitted, approved, and denied for IRA management activities under both TFPA and any new Tribal petition authority; and



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BE IT FURTHER RESOLVED, that NCAI demands extension of the Notice of Intent (NOI) scoping comment period to at least 90 days to allow adequate Tribal review and input on this complex action affecting millions of acres; and

BE IT FURTHER RESOLVED, that any future forest management decisions must include comprehensive analysis of impacts to treaty rights, trust responsibilities, cultural resources, subsistence uses, water quality, and climate resilience, with alternatives that enhance Tribal co-management which was affirmed in federal court rather than eliminate protections; and

BE IT FURTHER RESOLVED, that NCAI calls upon the Administration to honor Secretarial Order 3403 on Joint Stewardship by developing collaborative management approaches that respect Tribal sovereignty and incorporate Indigenous Knowledge; and

BE IT FURTHER RESOLVED, that this resolution shall be forwarded to the President of the United States, Secretary of Agriculture, Chief of the Forest Service, and all Northwest Congressional delegations; and

BE IT FURTHER RESOLVED, that NCAI calls upon the United States Forest Service to establish a formal Tribal mechanism that enables interested federally recognized Tribes to request specific management or co-management activities in individual Inventoried Roadless Areas (IRAs) within their ancestral lands or that border on or are adjacent to Indian forest land or rangeland, ensuring Tribal Nations have equitable standing which states in determining management priorities for IRAs that directly affect Tribal resources, treaty rights, and cultural landscapes; and

BE IT FURTHER RESOLVED, that for any such request submitted by a Tribe to the US Forest Service via mechanism, the Forest Service is required to consider and respond to the request in a timely manner and to maintain transparent reporting on the number of Tribal requests submitted, approved, and denied for IRA management activities under both TFPA and any new Tribal petition authority, and when evaluating requests from Tribes, the Forest Service should approve requests for activities necessary to enhance forest health, increase resilience to wildfire, support climate adaptation strategies, and protect Tribal resources, and must fully incorporate Tribal Forest Protection Act (TFPA) authority to facilitate agreements and contracts between Tribes and the Forest Service for collaborative management projects that address fire risk, disease, and other threats to forest ecosystems spanning jurisdictional boundaries, to the maximum extent possible consistent with existing forest plan direction, laws, and regulations; and



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BE IT FURTHER RESOLVED, that NCAI calls upon the U.S. Forest Service to establish a formal Tribal mechanism that enables interested federally recognized Tribes to request specific management or co-management activities in individual Inventoried Roadless Areas (IRAs) within their ancestral lands or that border on or are adjacent to Indian forest land or rangeland, ensuring Tribal Nations have equitable standing with states in determining management priorities for IRAs that directly affect Tribal resources, treaty rights, and cultural landscapes; and

BE IT FURTHER RESOLVED, that for any such request submitted by a Tribe to the US Forest Service via mechanism, the Forest Service is required to consider and respond to the request in a timely manner and to maintain transparent reporting on the number of Tribal requests submitted, approved, and denied for IRA management activities under both TFPA and any new Tribal petition authority, and when evaluating requests from Tribes, the Forest Service should approve requests for activities necessary to enhance forest health, increase resilience to wildfire, support climate adaptation strategies, and protect Tribal resources, and must fully incorporate Tribal Forest Protection Act (TFPA) authority to facilitate agreements and contracts between Tribes and the Forest Service for collaborative management projects that address fire risk, disease, and other threats to forest ecosystems spanning jurisdictional boundaries, to the maximum extent possible consistent with existing forest plan direction, laws, and regulations; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2025 Annual Convention of the National Congress of American Indians, held November 16 to 21, 2025 at the Seattle Convention Center in Seattle, Washington.

Mark Macarro, President

ATTEST:

Christie Modlin, Recording Secretary